

EPILOGUE: CANTO PARA LATINOAMERICA

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Literature often presents the most intimate and accurate portrayals of life and history. It captures the spirit and the soul of human existence—features often lost in legal scholarship. As we contemplate the past of Latin America, experience its present, and contemplate its future, we can look to literature for a narrative of our journey.

The work of two Latin American Nobel laureates provides a compelling portrait of this region during the twentieth century.¹ While they often wrote of love, and lost love, their work also explores the political world. In this discourse, each writer is both subject and object—they chronicled the world around them and were, in turn, captured by that world. Their observations, however, came at a price. For the Chilean poet Pablo Neruda, it meant exile abroad. For the Mexican writer Octavio Paz, it meant resignation from the Mexican diplomatic service.

While each author wrote from a distinct vantage point, unique in time and space, their work shares similar features. From the destruction of indigenous traditions to the repression of political discourse, each author found that the goals of modernization and social order exacted a heavy toll on the land and people of Latin America.

This brief literary respite provides a distinct lens through which to contemplate the past, present, and future of Latin America. To legal scholars, such ventures can provide important historical and emotional context. Indeed, its themes of power and inequality, of life and death, should be central to those who purport to study the development and role of law and legal institutions in Latin America.

Throughout its history, Latin America has struggled with totalitarian regimes, both foreign and domestic. This is, perhaps, the greatest legacy of the Old World. In *The Dictators*, Pablo Neruda conveys, in stark terms, the vio-

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1. Five writers from Latin America have been awarded the Nobel Prize in Literature: Gabriela Mistral, Miguel Angel Asturias, Pablo Neruda, Octavio Paz, and Gabriel García Marquez. Of course, this list does not exhaust the remarkable group of writers to emerge from Latin America in the twentieth century. See generally TWENTIETH-CENTURY LATIN AMERICAN POETRY (Stephen Tapscott ed., 1996); THE BORZOI ANTHOLOGY OF LATIN AMERICAN LITERATURE (Emir Rodriguez Monegal ed., 1977).

lence and death perpetrated by these regimes.² It is carnal imagery, as death becomes alive for the reader.³

*An odor stayed in the cane fields:
 carrion, blood, and a nausea of har-
 rowing petals.*

*Between coconut palms lay the
 graves, a stilled strangulation, a fes-
 tering surfeit of bones.*

*A finical satrap conversed with
 wineglasses, collars, and piping.*

*In the palace, all flashed like a
 clock-dial, precipitate laughter in
 gloves, a moment spanning the pas-
 sageways, meeting the newly killed
 voices and the buried blue mouths.*

*Out of sight, lament was perpetual
 and fell, like a plant and its pollen,
 forcing a lightless increase in the
 blinded, big leaves.*

*And bludgeon by bludgeon, on the
 terrible waters, scale over scale in the
 bog, the snout filled with silence and
 slime and vendetta was born.*

*Ha quedado un olor entre los
 cañaverales: una mezcla de sangre
 y cuerpo, un penetrante pétalo nau-
 seabundo.*

*Entre los cocoteros las tumbas
 están llenas de huesos demolidos,
 de estertores callados.*

*El delicado sátrapa conversa
 con copas, cuellos y cordones de
 oro.*

*El pequeño palacio brilla como
 un reloj y las rápidas risas enguan-
 tadas atraviesan a veces los pasillos
 y se reúnen a las voces muertas y a
 las bocas azules frescamente enter-
 radas.*

*El llanto está escondido como
 una planta cuya semilla cae sin ce-
 sar sobre el suelo y hace crecer sin
 luz sus grandes hojas ciegas.*

*El odio se ha formado escama a
 escama, golpe a golpe, en el agua
 terrible del pantano, con un hocico
 lleno de légamo y silencio.*

While writing from the Chilean experience, Neruda's imagery captures scenes from throughout the continent. Argentina, Colombia, El Salvador, Guatemala, Panama, Paraguay, or Peru—the killing fields scar the land like stigmata. The only requiem for the disappeared is the silence, the deafening silence, which marked their departure. In various forms, however, the finical satrap remains—and the odor lingers, and the vendetta festers.

Similar themes are conveyed in the work of Octavio Paz. Indeed, political repression was the dominant reality of Latin America in the twentieth century. In *Interruptions From the West (3) (Mexico City: The 1968 Olympiad)*, Paz expresses his anger following the brutal massacre of the student movement at Tlatelolco in October 1968, shortly before the Olympic Games were held in Mexico City.⁴

2. See PABLO NERUDA: FIVE DECADES (A SELECTION) 89 (Ben Belitt ed. & trans., 1974).

3. See *id.* The translation process is itself a violent act. It is artificial and no translation can ever do justice to the spirit and meaning of the original word. See *id.*

4. See THE COLLECTED POEMS OF OCTAVIO PAZ 225-26 (Eliot Weinberger ed. & trans., 1991) [hereinafter PAZ]. Paz resigned his appointment as Mexican Ambassador to India following the massacre.

Lucidity
 (perhaps it's worth
 writing across the purity
 of this page)
 is not lucid:
 it is fury
 (yellow and black
 mass of bile in Spanish)
 spreading over the page.
 Why?
 Guilt is anger
 turned against itself:
 if
 an entire nation is ashamed
 it is a lion poised
 to leap.
 (The municipal
 employees wash the blood
 from the Plaza of the Sacrificed.)
 Look now,
 stained
 before anything worth it
 was said:
 lucidity.

La limpidez
 (quizá valga la pena
 escribirlo sobre la limpieza
 de esta hoja)
 no es límpida:
 es una rabia
 (amarilla y negra
 acumulación de bilis en español)
 extendida sobre la página.
 ¿Por qué?
 La vergüenza es ira
 vuelta contra uno mismo:
 si
 una nación entera se avergüenza
 es león que se agazapa
 para saltar.
 (Los empleados
 municipales lavan la sangre
 en la Plaza de los Sacrificios.)
 Mira ahora,
 manchada
 antes de haber dicho algo
 que valga la pena,
 la limpidez.

Blood *stains*. To Neruda and Paz, it is both noun and verb. It scars the hands of the killer and the soul of his victim. And it leaves its indelible mark on the earth. As Augusto Pinochet Ugarte recently discovered, time does not heal all wounds.

In Latin America, a symbiotic relationship often existed between totalitarian regimes and multinational corporations. Indeed, neocolonial policies, supported by nativist regimes, existed long after the formal vestiges of colonialism receded from memory. Multinational corporations have become the new colonialists, an extension of their imperial predecessors. In *The United Fruit Co.*, Pablo Neruda describes the power, corruption, and indifference of one such entity.⁵

*When the trumpets had sounded and
 all was in readiness on the face of the
 earth, Jehovah divided his universe:*

*Anaconda, Ford Motors, Coca-Cola
 Inc., and similar entities:*

*the most succulent item of all, The
 United Fruit Company Incorporated re-
 served for itself: the heartland and*

*Cuando sonó la trompeta, estuvo
 todo preparado en la tierra,
 y Jehová repartió el mundo
 a Coca-Cola Inc., Anaconda,
 Ford Motors, y otras entidades:
 la Compañía Frutera Inc.
 se reservó lo más jugoso,
 la costa central de mi tierra,*

5. See NERUDA, *supra* note 2, at 79. The infamous history of United Fruit Company is long and well-known. See generally RICHARD H. IMMERMANN, *THE CIA IN GUATEMALA: THE FOREIGN POLICY OF INTERVENTION* 68-82 (1982).

coasts of my country, the delectable waist of America. They rechristened their properties:

the "Banana Republics"—and over the languishing dead, the uneasy repose of the heroes who harried that greatness, their flags and their freedoms, they established an *opéra bouffe*:

they ravished all enterprise, awarded the laurels like Caesars, unleashed all the covetous, and contrived the tyrannical Reign of the Flies—Trujillo the fly, and Tacho the fly, the flies called Carias, Martinez, Ubico—all of them flies, flies dank with the blood of their marmalade vassalage, flies buzzing drunkenly on the populous middens: the fly-circus fly and the scholarly kind, case-hardened in tyranny.

Then in the bloody domain of the flies The United Fruit Company Incorporated sailed off with a booty of coffee and fruits brimming its cargo boats, gliding like trays with the spoils of our drowning dominions.

And all the while, somewhere in the sugary hells of our seaports, smothered by gases, an Indian fell in the morning: a body spun off, an anonymous chattel, some numeral tumbling, a branch with its death running out of it in the vat of the carrion, fruit laden and foul.

la dulce cintura de América.
 Bautizó de nuevo sus tierras
 como "Repúblicas Bananas,"
 y sobre los muertos dormidos,
 sobre los héroes inquietos
 quo conquistaron la grandeza,
 la libertad y las banderas,
 estableció la *opéra bouffe*:
 enajenó los albedríos,
 regaló coronas de César,
 desenvainó la envidia, atrajo
 la dictadura de las moscas,
 moscas Trujillos, moscas Tachos,
 moscas Carias, moscas Martínez,
 moscas Ubico, moscas húmedas
 de sangre humilde y mermelada,
 moscas borrachas que zumban
 sobre las tumbas populares,
 moscas de circo, sabías moscas
 entendidas en tiranía.
 Entre las moscas sanguinarias
 la Frutera desembarca,
 arrasando el café y las frutas,
 en sus barcos que deslizaron
 como bandejas el tesoro
 de nuestras tierras sumergidas.
 Mientras tanto, por los abismos
 azucarados de los puertos,
 caían indios sepultados
 en el vapor de la mañana:
 un cuerpo rueda, una cosa
 sin nombre, un número caído,
 un racimo de fruta muerta
 derramada en el pudridero.

In this new era of globalization and growing interdependence, of *maquiladoras*, most-favored nations, and multinational corporations, these images are neither dated nor obsolete. Throughout the continent, indigenous people continue to struggle. If a peasant falls in the forests of Brazil, does anyone hear the crash? The land itself is also victim to desecration. Rape and genocide are acts of violence when committed against any species.

These poems convey a brief history of a continent—its problems, fears, and aspirations. In some countries, these poems will provide the only reminder of a violent past, of a century where the oppression of peoples and the repression of states was gradually overcome, but at a heavy cost. In other countries, however, these problems maintain a contemporary relevance. For these countries, the work of Octavio Paz in *Interruptions From the West* (2) (*Mexican Song*) remains as a poignant interrogatory.⁶

6. See PAZ, *supra* note 4, at 223.

*My grandfather, taking his coffee, would
talk to me about Juárez and Porfirio, the
Zouaves and the Silver Band. And the
tablecloth smelled of gunpowder.*

*My father, taking his drink, would talk
to me about Zapata and Villa, Soto y
Gama and the brothers Flores Magón.
And the tablecloth smelled of gunpow-
der.*

*I kept quiet.
Who was there for me to talk about?*

*Mi abuelo, al tomar el café,
me hablaba de Juárez y de Porfirio,
los zuavos y los plateados.
Y el mantel olía a pólvora.*

*Mi padre, al tomar la copa,
me hablaba de Zapata y de Villa,
Soto y Gama y los Flores Magón.
Y el mantel olía a pólvora.*

*Yo me quedo callado:
¿de quién podría hablar?*

